



# COMMONWEALTH of VIRGINIA

## CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

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October 8, 1999

Ms. Joan Salvati  
Water Quality Administrator  
Department of Environmental Engineering  
P.O. Box 40  
Chesterfield, Virginia 23832-0040

Dear Joan:

This letter is a follow up to our site visit of October 5, 1999 to review the tree clearing activities on a residential lot in Chesdin Landing. At this visit, I took 8 digital photographs and will be sending several of these to you via e-mail. It appeared from the site visit that at least 15 trees of various sizes had been cut down within the landward 80-90 feet of the 100-foot buffer area in a swath that was about 50-60 feet in length. The diameter of the trees ranged from 4-6 inches to 10-12 inches at the ground level. The property owner did not grub the stumps, leaving them in the ground. The ground cover that remains appeared to be a few small shrubs, a fair amount of poison ivy and scattered clumps of grass. The owner has replanted three trees of about 2 inch diameter as mitigation for the tree removal and is contending that no buffer violation occurred since the tree stumps remain and the understory was left intact. However, the removal of the entire tree canopy has already impacted the Health and makeup of the understory vegetation as evidenced by the photographs which show the cleared area and the existing vegetation.

Based on the site visit, it is the Department's opinion that a buffer violation did occur due to the removal of the entire tree canopy in the 50-60 foot wide area. The Regulations [§9VAC 10-20-130.B. I (a)] permit the removal of some buffer vegetation for site lines, views and vistas, however, the Department's guidance has never been for all trees within a given area to be removed under this provision. The Department has supported filtered views, which may entail removing lower tree limbs and some mid-sized shrubs, but does not consider the removal of all trees within a 40 foot wide to be in compliance with the Regulations. The Department supports the County's efforts to apply more appropriate mitigation for this violation than the

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replanting of three small trees. In general, the Department would recommend that the County conduct a more thorough inventory of the cleared area to determine the exact number, type and size of trees that were removed and then require at least a one-to-one replacement of like trees as mitigation.

I hope this clarifies the Department's position on this issue. Should you have any questions about this letter, please feel free to call me at 371-0609.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn E. Smith", followed by a horizontal line.

**Shawn E. Smith, AICP**  
**Implementation Review Officer**

c: Shep Moon